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Reconsid.
Hawkins
8/7/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anthony D. Minervini, et al.
Appl. No.: 09/510,116
Filed: February 22, 2000
Title: PTC CIRCUIT PROTECTION DEVICE
Art Unit: 2832
Examiner: K. Easthom
Docket No.: 112690-307

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REQUEST FOR RECONSIDERATION

Dear Sir:

In response to the Office Action of April 18, 2003, the Applicants respectfully request reconsideration of the rejections based on the following remarks.

REMARKS

Claims 1-5, 7, 8, 10-16, and 18-42 are pending in the present application. Claims 1-5, 7, 8, and 10-15 stand rejected. Claims 16, 8-32, and 38-42 have been indicated as allowed. The Applicant respectfully requests reconsideration of the rejected claims for the following reasons.

Claims 1-5, 7, 8 and 10-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sunuhara (Japanese Document 4-150001) or Japanese Document JP 9-199302 in view of Niihara (Japanese Document JP 6-69416) or McGuire et al. (U.S. Patent No. 6,023,403). The Applicant respectfully traverses this rejection for the following reasons.

With respect to independent claim 1, the Office Action asserts that Sunuhara or Japanese reference 9-199302 disclosed the features of claim 1 except for the PTC thermistor elements being a polymer. The Applicant respectfully disagrees and asserts that neither of these references teach the claimed elements for which they are relied upon. Specifically with respect to Sunuhara, as argued in the previous amendment Sunuhara does not teach or suggest each of the resistor layers 12 and 14 being comprised of the same material because Sunuhara requires that the resistor layers 12 and 14 have respectively different thermal characteristics. In the present Office Action, it is asserted that the fact that Sunuhara utilizes two different elements is not "germane to the issue at hand, since the polymer and particles can be different or the same." The Applicant respectfully disagrees and maintains that this is indeed pertinent information when combining Sunuhara with either Niihara or McGuire in order to attempt to arrive at the features of claim 1. That is, claim 1 features each PTC element including "a polymer having conductive particles dispersed therein", which means that the first and second PTC elements of claim 1 have a same material. Thus, the issue at hand is whether the combination of Sunuhara with Niihara or McGuire would have been suggested to one of ordinary skill in the art to thereby arrive at the